

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, DC 20554

Amendment of Parts 1, 21, 73, 74 and 101 of)
the Commission's Rules to Facilitate the)
Provision of Fixed and Mobile Broadband) WT Docket No.
03-66
Access, Educational and Other Advanced) RM-10586
Services in the 2150-2162 and 2500-2690)
MHz Bands)

COMMENTS IN SUPPORT OF NPRM, WT Docket No. 03-66

NTELOS Inc hereby submits these comments in support to the FCC's Notice of Proposed Rulemaking, WT Docket No. 03-66, RM-10586, regarding the Commission's Rules to Facilitate the Provision of Fixed and Mobile Broadband Access, Educational and other Advanced Services in the 2150-3162 and 2500-2690 Mhz Bands.

NTELOS Inc., through its affiliates and subsidiaries (collectively "NTELOS"), is a full service telecommunications provider of wireless and wireline services in Virginia and West Virginia. NTELOS is a licensee of spectrum in the MDS, PCS and LMDS bands. NTELOS is also a leading digital wireless PCS provider in the mid-Atlantic region, coupling wireless services with an integrated communications strategy that also includes local telephone services, internet and high-speed data access. NTELOS holds the Virginia MDS Basic Trading Area authorizations for Charlottesville (B075), Richmond-Petersburg (B374), Roanoke (B376), Staunton-Waynesboro (B430), and Winchester (B479). In addition, it holds licenses for approximately 35 individual MDS stations and leases capacity on another 49 MDS and ITFS facilities. NTELOS currently owns and operates wireless cable video distribution systems in Virginia cities of Richmond, Charlottesville, Roanoke, and the Shenandoah Valley.

We believe the proposed rule changes will allow us to utilize our spectrum more effectively by permitting us to implement new digital technology to bring broadband services, especially to rural areas.

NTELOS' position on the NPRM is simple – NTELOS strongly supports immediate issuance of proposed rules advocated in the NPRM because it is essential for the Commission to adopt rules and policies that promote the evolution of MDS and ITFS spectrum for flexible use.

As the operator of video systems and two-way 2nd generation wireless services, NTELOS appreciates that the policies proposed by Wireless Communications Association (WCA), National ITFS Association (NIA) and Catholic Television Network (CTN) and reiterated in the NPRM are primarily designed to promote the deployment of the next generation of broadband technology.

The regulatory burdens created by the current rules hinder efforts to implement digital broadband services in a timely manner. Those burdens are especially costly to smaller telecommunications carriers serving rural markets. The new proposed rules will reduce such burdens by streamlining the required filings. Modification of the MDS/MMDS bandplan is especially important and necessary for both the current and future use of this spectrum. The new bandplan allows more flexibility and productive use of current spectrum by facilitating the deployment of broadband services but preserving the ability to continue high-power video MDS service if desired. The proposed bandplan removes interleaving and restructures the spectrum to a more usable format that provides variable spectrum bandwidth needed to implement new technologies for nomadic and mobile data services.

NTELOS applauds the Commission's willingness to consider changes to the current rules and urges the Commission to continue that momentum by adopting the proposed rules as promptly as possible. In addition, the FCC should consider whether there are portions of the proposal that could be implemented immediately. One such change would be to streamline the authorizations for cellular two-way sites in rural areas. Once the system engineering and

interference analyses are complete, approval can be immediate in cases where no other spectrum holders and systems are affected.

Such action will result in a regulatory regime for the MDS and ITFS bands that will, for the first time, actually promote the use of those bands for high-speed broadband distribution to fixed, portable and mobile users. The proposals in the NPRM before the Commission are well-conceived, represent fair compromises among competing interests looking to maximize flexibility for a variety of technologies and are supported, nearly unanimously, by a consensus within the industry. As FCC Chairman Michael K Powell stated: "the time has come to chip off the regulatory barnacles encumbering ITFS and MMDS."

Respectfully submitted,

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